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MCANDREWS HELD & MALLEY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER	
			BATES, KEVIN T	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,648	<b>Applicant(s)</b> KARAOGUZ ET AL.
	<b>Examiner</b> KEVIN BATES	<b>Art Unit</b> 2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 April 2009.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 and 36-53 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 and 36-53 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-146/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

***Response to Amendment***

This Office Action is in response to a communication made on April 15, 2009.

Claim 36 has been amended.

Claims 50-53 have been newly added.

Claims 1-14 and 36-53 are pending in this application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-10, 12-14, 36-45, and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (2005/0028208) in view of Krzyzanowski (2004/003051) and in further view of common knowledge in the art.**

**Regarding claims 1 and 36,** Ellis teaches a method to indirectly control at least one media peripheral via a communication network, the method comprising:

identifying by a first system comprising a television, at a first location, the at least one media peripheral communicatively coupled to a second system, at a second location, wherein the first and second locations are separate and distinct from one another (¶71, 74, the first system is the remote program access device and the second system is the user television equipment);

automatically establishing a communication link between the first system comprising the television (¶92, where a CRT monitor can be considered a television; Ellis further later details that a user television/set-top-box can be used as the device to remotely control a program guide, see ¶204; 217-218); and the at least one media peripheral (¶71; 86; 103-104);

selecting, using the television at the first location, an operation of the at least one media peripheral (¶107);

requesting performance of the selected operation on the at least one media peripheral using the television at the first geographical location (¶110);

creating a user-defined schedule of media using the television at the first geographical location (¶99-100); and

pushing the media to the at least one media peripheral at the second geographical location according the user-defined schedule of media (¶99-100).

**Ellis does not explicitly indicate** automatically determining authorization of the performance of the selected operation;

performing the selected operation on the at least one media peripheral if the authorization is successful; not performing the selected operation on the at least one media peripheral if the authorization is not successful; or defining a schedule of media at a first location using the TV and pushing the media from that location.

The examiner takes “**official notice**” that when remotely connecting to user equipment it would be obvious to authenticate or authorize a user request before perform that operation at the connected to system. One would do so to protect the

system against malicious or other harmful commands from being performed by untrusted users of the network. See MPEP §2144.03.

Krzyzanowski teaches a home network system that teaches creating a schedule of media (¶133; a playlist) using among other things, a television (¶133 prepared or stored for playback on a television) where that playlist and all media can be available to be pushed to many locations and devices (¶137, having video and audio migrate with the user; ¶78, where the system can distribute media from a main storage to other system components).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that one can use Krzyzanowski's teaching of video production and distribution would allow someone to improve Ellis' system to organize and create video or content playlists and have them distributed to any other system component in the network. One would be motivated to do so, to allow the user to create and view videos in a highly available and customized way anywhere in a home network.

**Regarding claims 3 and 38,** Ellis teaches the method of claims 1 and 36; wherein the at least one media peripheral comprises a processor running at least one of media capture software and media player software (¶100, the VCR).

**Regarding claims 4 and 39,** Ellis teaches the method of claims 1 and 36 wherein the communication link is established via a wired or a wireless connection (¶76).

**Regarding claims 5 and 40,** Ellis teaches the method of claims 1 and 36; wherein the operation comprises one of: powering said media peripheral on or off;

scanning said media peripheral in angle about at least one axis of rotation; transferring stored media from the media peripheral to the first system; transferring stored media from the first system to the media peripheral; transferring software from the first system to the media peripheral; transferring status information from the media peripheral to the first system; initiating a test of the media peripheral; initiating a trick mode of the media peripheral; determining whether the media peripheral is within communication range of the second system; putting the media peripheral into a sleep state; and changing a parameter of the media peripheral (¶101).

**Regarding claims 6 and 41,** Ellis teaches the method of claims 1 and 36, wherein at least one of the first system and the second system comprises a set-top-box based media processing system (¶82).

**Regarding claims 7 and 42,** Ellis teaches the method of claims 1 and 36, wherein at least one of the first system and the second system comprises a personal computer based media processing system (¶82).

**Regarding claims 8 and 43,** Ellis teaches the method of claims 1 and 36; wherein at least one of the first system and the second system comprises a television based media processing system (¶82).

**Regarding claims 9 and 44,** Ellis teaches the method of claims 1 and 36 wherein the first system comprises a server of a media provider (Fig. 2b, wherein the remote access device communicate to the user television equipment through the distribution facility).

**Regarding claims 10 and 45**, Ellis teaches the method of claims 1 and 36 wherein the first system comprises a server of a service provider (Fig. 6a, wherein the remote access device access the user equipment through the internet service system).

**Regarding claims 12 and 47**, Hino teaches the method of claims 1 and 36 wherein the establishing the communication link is initiated by the first system (¶100).

**Regarding claims 13 and 48**, Ellis teaches the method of claims 1 and 32, wherein the establishing the communication link is initiated via a telephone call (¶93).

**Regarding claims 14 and 49**, Ellis teaches the method of claims 1 and 36 wherein the establishing the communication link is initiated via a web site (¶101).

**Regarding claims 50 and 52**, Ellis teaches the method of claims 1 and 36, wherein the first geographic location and second geographical location are located within a first and a second home (¶12).

**Regarding claims 2 and 37**, Ellis teaches the method of claims 1 and 36 and media peripherals (¶107).

Ellis does not explicitly indicate wherein the at least one media peripheral comprises one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the many other devices controlled in Krzyanowski in order to expand the variety of devices that can be remotely controlled in Ellis.

**Claims 11 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Krzyanowski, and in further view of Daum (6665384).**

**Regarding claims 11 and 46,** Ellis teaches the method of claims 1 and 36.

Ellis does not explicitly indicate wherein the first system comprises a server of a peripheral manufacturer.

Daum teaches a remote control of appliances that includes the controlling party being the manufacturer (Column 2, lines 25 – 36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daum's teaching of allowing the manufacturer to control the devices in Ellis, in order to take advantage of any support and monitoring the manufacturing provides for home items.

**Claims 51 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Krzyanowski, and in further view of Qureshey (2002/0002039).**

**Regarding claims 51 and 53,** Ellis in combination with Kryzanowski teaches the method of claims 1 and 36.

The combination does not explicitly indicate that the user defined schedule of media comprises a plurality of media content scheduled according to date and time.

Qureshey teaches a playlist defined by the user which is pushed to a second device can be scheduled according to a date and a time (Fig. 17e, ¶161).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Qureshey's teaching of scheduling playlists based on date and time in the combination to enable scheduling future events and times for the delivery of media for a more customizable and rich listening experience.

#### ***Response to Arguments***

Applicant's arguments filed April 15, 2009 have been fully considered but they are not persuasive.

The applicant argues that the combination of Ellis and Kryanowski does not teach pushing media based on a user defined schedule or pushing media to a second location.

The examiner disagrees; Ellis teaches a method of pushing media to all sorts of locations including a rooms and homes (¶12). Ellis teaches scheduling media at a first location, but does not explicitly indicate pushing the media to a second location based on that schedule. Kryanowski teaches creating a playlist at a first location and pushing the media based on the playlist to a second location (¶133 and 137). It is clear that a playlist is a list or order of a set of media to be played, thus defining the order or the schedule of which the media will be pushed (¶133). The combination of Ellis and

Kryanowski provides a teaching that improves Ellis by allowing the user to create a playlist of media, which is enable to follow the user from one location to another, because on the order or schedule of the playlist. Kryanowki further teaches that the profile is established (¶133), but based on that single profile the media transmitted based on the profile can happen at numerous locations (¶137). Thus is clear that the media is enabled to be delivered and played at a location separate from the creation of the playlist.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/  
Primary Examiner, Art Unit 2456